

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEANICE DOLAN, DANIEL A. MALIN,  
KEITH VINCENT, and all others similarly situated,

Plaintiffs,  
v.

BENJAMIN M. LAWSKY, Superintendent of  
Financial Services of the State of New York in his  
non-regulatory capacity as RECEIVER of Executive  
Life Insurance Company of New York; Certain  
Predecessor RECEIVERS of Executive Life  
Insurance Company of New York;  
METROPOLITAN LIFE INSURANCE  
COMPANY; and CREDIT SUISSE GROUP AG,

Defendants.

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Civil Action No. 12 CV 8171 (JMF)

ECF Case

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**DECLARATION OF EAMON P. JOYCE**

Pursuant to 28 U.S.C. § 1746, EAMON P. JOYCE declares:

1. I am an attorney duly admitted to practice law in the State of New York and in this Court and a member of the law firm of Sidley Austin LLP, attorneys for Defendant Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York in his capacity as Receiver of Executive Life Insurance Company of New York (“Superintendent Lawsky”).

2. I submit this declaration in support of Superintendent Lawsky’s Motion for Abstention or, in the Alternative, Dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6) solely to present to the Court true and correct copies of the following documents in support thereof.

**EXHIBIT A:** The Memorandum of Law in Opposition to Receiver’s Motion to Enforce the Court’s Injunctions and for an Order of Contempt, served on or about December 28, 2012 and filed thereafter with the Supreme Court of the State of New York, Nassau County, in *In re Rehabilitation of Executive Life Insurance Company of New York*, Index No. 8023/91.

**EXHIBIT B:** The April 23, 1991 Order of the Supreme Court of the State of New York, Nassau County, in *In re Rehabilitation of Executive Life Insurance Company of New York*, Index No. 8023/1991 (the “Rehabilitation Order”).

**EXHIBIT C:** The December 16, 1992 Order of the Supreme Court of the State of New York, Nassau County, in *In re Rehabilitation of Executive Life Insurance Company of New York*, Index No. 8023/91 (the “Rehabilitation Plan Order”).

**EXHIBIT D:** The Brief for Objectors-Appellants, filed on or about August 17, 2012, with the Supreme Court of the State of New York, Appellate Division – Second Department, in *In re Rehabilitation of Executive Life Insurance Company of New York*, Docket No. 2012-05969 (“Appellants’ Br.”).

**EXHIBIT E:** A portion of the transcript of the March 15-29, 2012 hearing before the Supreme Court of the State of New York, Nassau County, in *In re Rehabilitation of Executive Life Insurance Company of New York*, Index No. 8023/91.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on January 18, 2013, at New York, New York.

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/s/ Eamon P. Joyce  
Eamon P. Joyce